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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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GARY PIERCE

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE PETITION OF
ESCHELON TELECOM OF ARIZONA, INC. FOR
ARBITRATION WITH QWEST CORPORATION,
PURSUANT TO 47 U.S.C. § 252 OF THE
FEDERAL TELECOMMUNICATIONS ACT OF
1996.

DOCKET NO. T-03406A-06-0572
DOCKET NO. T-01051B-06-0572

IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION.

DOCKET NO. T-03406A-06-0257
DOCKET NO. T-01051B-06-0257

PROCEDURAL ORDER

BY THE COMMISSION:

On April 14, 2006, Eschelon Telecom of Arizona, Inc. ("Eschelon") filed with the Arizona Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest") stating that Qwest has refused to provide both repairs for disconnects in error and the capability to expedite orders for unbundled loops under the repair and expedite language of the existing Qwest-Eschelon Interconnection Agreement ("ICA")(the "Complaint")(Docket Nos. T-03406A-06-0257 and T-01051B-06-0257

On September 8, 2006, Eschelon filed with the Commission a Petition for Arbitration of an Interconnection Agreement with Qwest pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act")(the "Arbitration")(Docket Nos. T-03406A-06-0572 and T-01051B-06-0572).

On February 23, 2007, Eschelon and Qwest filed a conditional settlement agreement in the Complaint docket. The proposed settlement agreement was contingent upon comments to be filed by the Commission Utilities Division Staff ("Staff"), and allows either Qwest or Eschelon (or both) to opt out of the conditional settlement agreement upon receipt of Staff's comments and proceed

1 forward with a hearing.

2 On March 9, 2007, Staff filed its comments on the conditional settlement agreement and made
3 certain recommendations that, if adopted, would affect the obligations of the parties.¹

4 On March 16, 2007, Eschelon filed a Notice of Opt-out of the Settlement Agreement and
5 requested a Procedural Conference. Qwest also filed a Notice of Withdrawal from Settlement
6 Agreement on March 16, 2007.

7 On March 19, 2007 through March 20, 2007, in the Arbitration docket, Eschelon and Qwest
8 participated in an arbitration before a duly authorized Administrative Law Judge. Staff was not a
9 party to the Arbitration. One of the issues in the Arbitration is how to treat expedites on a going-
10 forward basis. Staff's recommendations in the Complaint appear to affect how expedites should be
11 treated in the future. There may be a benefit of consolidating the records of these two proceedings.
12 Consequently, a Procedural Conference in these matters shall be convened to discuss how to proceed
13 with a hearing in the Complaint docket and whether consolidation of these dockets is in the public
14 interest.

15 IT IS THEREFORE ORDERED that a telephonic **Procedural Conference** shall commence
16 on **April 2, 2007, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Tucson
17 offices. The call-in number for the Procedural Conference is **(602) 542-9004**.

18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
19 Communications) continues to apply to these proceedings and shall remain in effect until the
20 Commission's Decision in this matter is final and non-appealable.

21 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
22 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

23 Dated this 22nd day of March, 2007

24
25
26 
27 JANE RODDA
ADMINISTRATIVE LAW JUDGE

28 ¹ Staff was required to file testimony in the Complaint proceeding pursuant to Procedural Order dated June 6, 2007.

Copies of the foregoing mailed/delivered
this 22nd day of March, 2007 to:

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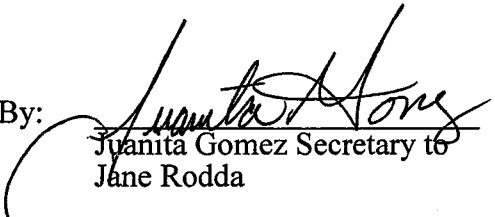
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